

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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David Kevin Curtis,

Case No. 20-cv-1202 (WMW/HB)

Petitioner,

v.

**REPORT AND RECOMMENDATION**

United States of America,

Respondent.

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This Court has received a petition for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A)(i) from Petitioner David Kevin Curtis. (Pet. [Doc. No. 1].) It is not entirely clear that Curtis intended the document to be filed in this District; the petition is captioned for the United States District Court for the Northern District of Iowa (*id.* at 1), and Curtis’s certificate of service states that the document was mailed to the clerk of court and United States Attorney of that district [*see* Doc. No. 3]. In any event, the Northern District of Iowa—the district in which Curtis was convicted and sentenced—is the appropriate venue for Curtis to seek relief under § 3582(c)(1)(A)(i), not this District. *See, e.g., Blount v. Barnes*, No. 18-cv-1317 (MJD/KMM), 2018 WL 4233840, at \*2 (D. Minn. July 3, 2018) (noting that a motion brought pursuant to § 3582(c) must be brought in the district of conviction).

The docket for Curtis’s underlying criminal proceedings in the Northern District of Iowa reflects that a motion for compassionate release has recently been filed by Curtis in that district also. *See United States v. Curtis*, No. 3:15-CR-3026 (LTS/KEM) (N.D.

Iowa). Accordingly, there is no need to transfer the duplicative petition pending in this matter for consideration by the Northern District of Iowa. It is therefore recommended that the petition be denied without prejudice.

Based on the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED** that the petition for compassionate release filed by David Kevin Curtis [Doc. No. 1] be **DENIED WITHOUT PREJUDICE**.

Dated: May 19, 2020

s/ Hildy Bowbeer

Hildy Bowbeer

United States Magistrate Judge

### **NOTICE**

**Filing Objections:** This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).